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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

7 ANTOLIN ANDREW MARKS,

8 Petitioner,

9 v.

10 A. NEIL CLARK,

11 Respondent.
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Case No. C09-5148BHS/JRC

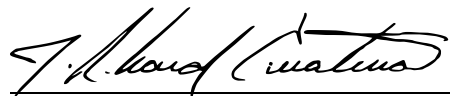
ORDER DENYING
COUNSEL

13 This 28 U.S.C. § 2241 petition has been assigned to the undersigned Magistrate Judge.
14 Petitioner has filed a motion for appointment of counsel. (Dkt. #11).

15 There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2241 unless
16 an evidentiary hearing is required, because the action is civil, not criminal, in nature. See Terravona
17 v. Kincheloe, 852 F.2d 424, 429 (9th Cir. 1988); Brown v. Vasquez, 952 F.2d 1164, 1168 (9th Cir.
18 1992). An evidentiary hearing has not been granted in this case. Further, the claims in the petition
19 are adequately set forth and articulated. Petitioner's motion for appointment of counsel, (Dkt. # 11),
20 is therefore **DENIED**.
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22 The clerk is directed to send copies of this order to petitioner and counsel for respondent.

23 DATED this day of May, 2009.
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J. Richard Creatura
United States Magistrate Judge